

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ERVIN MIDDLETON,

Plaintiff,

v.

BANK OF AMERICA, N.A., et al.,

Defendants.

Case No. 2:15-cv-001867-APG-NJK

ORDER DISMISSING CASE

(Dkt. #5)

On December 4, 2015, Magistrate Judge Koppe entered her Report and Recommendation (Dkt. #5) recommending dismissal of plaintiff's complaint without prejudice. No objection has been filed to that Report and Recommendation. Thus, I am not required to conduct "any review at all ... of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Ninth Circuit has confirmed that a district court is not required to review a magistrate judge's report and recommendation where no objection has been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise."); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.Ariz. 2003) (Based on *Thomas* and *Reyna-Tapia*, "district courts are not required to conduct any review at all . . . of any issue that is not the subject of an objection."). Because there is no objection Judge Koppe's recommendation, I accept the recommendation without review.

IT IS HEREBY ORDERED that the Report and Recommendation is accepted, and this case is DISMISSED without prejudice. The clerk of the court shall enter Judgment accordingly.

DATED this 24th day of February, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE